

Judy M. Heinrich

From: Jayne Conroy <jconroy@simmonsfirm.com>
Sent: Friday, July 27, 2018 4:44 PM
To: Judy M. Heinrich; Scott R. Bickford; Spencer R. Doody
Cc: opioid-mdl-leadership@mail-list.com
Subject: Opioid Litigation
Attachments: 20180723110302576.pdf; ATT00001.htm

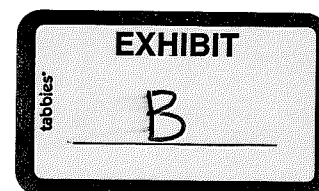
Dear Judy, Scott and Spencer,

I am in receipt of your letter of July 23, 2018 and I have had an opportunity to discuss your concerns and requests with the MDL Executive Committee. I understand your letter to seek assistance in two separate areas; (1) notification of depositions and (2) full and unconditional access to discovery. With respect to the first, we believe that your interests are fully represented at any deposition by the PEC and therefore access or attendance is not necessary and burdensome to the process.

Concerning your second request, access to the proprietary database is limited to the Executive Committee and their designees. We do not agree that good cause exists for your access to this discovery at this time.

Jayne Conroy
jconroy@simmonsfirm.com
Simmons Hanly Conroy
112 Madison Ave 7th Floor
New York, New York 10016
212 784 6402 office
917 882 5522 cell

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mb&c

Martzell, Bickford & Centola APC
Attorneys at Law

John R. Martzell (1937-2007)
Scott R. Bickford *
Lawrence J. Centola, III

Spencer R. Doody
Neil F. Nazareth
Jason Z. Landry
Christopher H. Carbine

Byron J. Jeanice
Office Administrator

* also licensed in
Texas and Colorado

July 23, 2018

By Email jconroy@simmonsfirm.com
Ms. Jayne Conroy
Simmons Hanly Conroy
112 Madison Avenue, 7th Floor
New York, NY 10016-7416

Re: Opioid Litigation

Dear Jayne:

It was a pleasure to visit with you in Denver. As you know, our litigation group represents scores of babies suffering from NAS, dozens of hospital facilities, and numerous sovereign Indian Tribes, large and small. At present, we are not being copied on any notices of depositions currently underway or being scheduled in the MDL and bellwether proceedings, nor are they being filed into the record or served through the Court's ECF system. For this reason, we are unable to determine which of the depositions we intend to monitor (either in person, or by telephone or video conferencing) and which responsive materials we wish to review in accordance with the Court's deposition protocol. If these notices of deposition will not be filed into the record and served electronically, we ask to be copied on all future notices and kept abreast of any changes in scheduling. Likewise, we request instructions on how to access the streaming of these depositions should we elect not to appear in person.

At this time, since we are unaware of the depositions being scheduled, we are unable to know whether there are any questions we wish to be asked of the witnesses on behalf of our clients whose unique interests may be underrepresented by the PEC and its committees. We believe good cause for this request is satisfied by reason of: (i) the numbered types of litigants that we represent; (ii) the clear and present risk of undue prejudice to one or more of our clients where it/they were excluded from participating in these proceedings; and (iii) principles of judicial economy that mandate avoidance of wasteful duplication of resources expended in discovery. These risks and wasteful efforts could be avoided through our full participation at the depositions and by affording us full and unconditional access to discovery that has been exchanged and will be exchanged. We are obviously willing to sign whatever protective order has been issued by the Court.

Ms. Jayne Conroy


July 23, 2018

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Please contact me regarding this matter at your earliest convenience as we appreciate that MDL and bellwether depositions are being scheduled in a triple-tracked format now.

Yours truly,

MARTZELL BICKFORD & CENTOLA

A handwritten signature in dark ink, appearing to read "Scott R. Bickford", is written over the printed name.

Scott R. Bickford

SRB/jh

Judy M. Heinrich

Subject: Opiate MDL depositions

From: Burton LeBlanc <bleblanc@baronbudd.com>

Date: July 19, 2018 at 8:37:46 PM CDT

To: "Spencer R. Doody" <sdoody@mbfirm.com>

Cc: "Scott R. Bickford" <srb@mbfirm.com>

Subject: RE: Opiate MDL depositions

Sorry for the delay, I have been fully engaged in all issues related to ARCOS. I am not sure who has the deposition schedule. I know they are triple tracking depositions now. I suggest that Scott reach out to Jayne Conroy

From: Spencer R. Doody [sdoody@mbfirm.com]

Sent: Wednesday, July 18, 2018 9:41 AM

To: Burton LeBlanc

Cc: Scott R. Bickford

Subject: RE: Opiate MDL depositions

Burton, just following up on my request below. We still don't know who is being scheduled when, and the requested subject matters. If the NOD aren't being filed, how can we find that out? Also, whom within leadership or their assigns should we contact re logistics of auditing certain depositions.

Thanks, Spencer

p.s. what does "CB" refer to in your message below?

Spencer R. Doody, Esq.
Martzell, Bickford & Centola, A.P.C.
338 Lafayette St.
New Orleans, LA. 70130
Phone (504) 581-9065
Fax (504) 581-7635
sdoody@mbfirm.com
www.Mbfirm.com

mb&c

Martzell, Bickford, and Centola

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From: Spencer R. Doody
Sent: Monday, July 16, 2018 1:37 PM
To: Burton LeBlanc <bleblanc@baronbudd.com>
Cc: Scott R. Bickford <srb@mbfirm.com>
Subject: RE: Opiate MDL depositions

Thanks, Burton. Really appreciate the quick follow up!

I checked the MDL docket and the dockets of the individual bellwether cases and can't find any notices of deposition.

How we can we get notice of what is being scheduled?

Thanks again,

Spencer

Spencer R. Doody, Esq.

Martzell, Bickford & Centola, A.P.C.

338 Lafayette St.

New Orleans, LA. 70130

Phone (504) 581-9065

Fax (504) 581-7635

sdoody@mbfirm.com

www.Mbfirm.com

From: Burton LeBlanc [<mailto:bleblanc@baronbudd.com>]

Sent: Monday, July 16, 2018 1:25 PM

To: Spencer R. Doody <sdoody@mbfirm.com>

Cc: Scott R. Bickford <srb@mbfirm.com>

Subject: RE: Opiate MDL depositions

The response that I received was: Yes, can participate by listening in as long as you executed the PO and are bound by the depo protocol; can monitor, but not ask questions and there is not any CB

J. Burton LeBlanc

Baron & Budd, P.C. | Shareholder

225.927.5441 main

225.761.6463 direct

225.927.5449 fax

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From: Spencer R. Doody [<mailto:sdoody@mbfirm.com>]

Sent: Monday, July 16, 2018 12:55 PM

To: Burton LeBlanc

Cc: Scott R. Bickford

Subject: Re: Opiate MDL depositions

Thanks Burton. Yes, these are cases that are in the MDL (although we also have several in state court that will not (or should not) be removed.

Spencer R. Doody, Esq.

Martzell, Bickford & Centola, A.P.C.

338 Lafayette St.

New Orleans, LA. 70130

Phone (504) 581-9065

Fax (504) 581-7635
sdoody@mbfirm.com
www.Mbfirm.com

On Jul 16, 2018, at 12:41 PM, Burton LeBlanc <bleblanc@baronbudd.com> wrote:

Spencer- I am checking with Co-Leads.. Will let you know as soon as I hear, you are talking about cases filed in the MDL?

J. Burton LeBlanc

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From: Spencer R. Doody [<mailto:sdoody@mbfirm.com>]

Sent: Monday, July 16, 2018 10:13 AM

To: Burton LeBlanc

Cc: Scott R. Bickford

Subject: Opiate MDL depositions

Burton, it was nice seeing you in Denver last week. Members of our litigation group (currently representing NAS babies, Native American tribes, local gov'ts, and hospitals in the MDL) are interested in a) being copied on notices of (30)(b)(6) depositions which are currently being scheduled in the MDL (it does not appear that they are being filed via PACER), and b) auditing certain depositions (ideally via live stream). We are familiar with the deposition protocol and would obviously be willing to execute any applicable protective orders.

Would you please let us know how we can accomplish the above?

Thanks,

Spencer

Spencer R. Doody, Esq.

Martzell, Bickford & Centola, A.P.C.

338 Lafayette St.

New Orleans, LA. 70130

Phone (504) 581-9065

Fax (504) 581-7635

sdoody@mbfirm.com

www.Mbfirm.com